

SENATE BILL 2822

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to sexual offenses committed
against children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-504(a)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4) The victim is less than sixteen (16) years of age.

SECTION 2. Tennessee Code Annotated, Section 39-13-506, is amended by deleting the section in its entirety and substituting instead the following:

(a) Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least sixteen (16) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.

(b) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when the victim is at least sixteen (16) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.

(c) Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least sixteen (16) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.

(d)

(1) Mitigated statutory rape is a Class E felony.

(2) Statutory rape is a Class E felony.

(3) Aggravated statutory rape is a Class D felony.

SECTION 3. Tennessee Code Annotated, Section 39-13-522(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is more than three (3) years of age but less than sixteen (16) years of age.

SECTION 4. Tennessee Code Annotated, Section 39-13-529(e)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) A violation of subsection (b) is a Class E felony; provided, that, if the minor is less than sixteen (16) years of age, the violation is a Class C felony.

SECTION 5. This act shall take effect July 1, 2008, the public welfare requiring it.